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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,721	07/17/2000	Bruce G. Laval	530057/293	7890

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT PAPER NUMBER

2121

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/617,721

Applicant(s)

LAVAL ET AL.

Examiner

Ronald D Hartman Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003 and 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-148, 150-155, 157-192 and 194-216 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 78, 79, 89, 99, 169, 170 and 202 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>14, 15</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 8/15/2003 and the Supplemental Amendment filed on 11/25/2003.
2. Claims 1-216 are presented for further examination.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 78-79, 89, 99, 169-170 and 202 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over at least claims 1-4 of U.S. Patent No 6,173, 209 (hereafter: LAVAL). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons set forth below:

For the purposes of this Double Patenting Rejection, the following notations have been used:

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A first validator is hereafter notated as FV.

A second validator is hereafter notated as SV.

A controller is hereafter notated as C.

A distributor is hereafter notated as D.

A processor is hereafter notated as P.

Traffic patterns are hereafter notated as TP.

Admission pass/media is hereafter notated as AP.

A server is hereafter notated as S.

Pending claims 1, 78, 99 and 169 set forth a system essentially comprising an FV, C, D, AP, TP and SV. Claims 1-4 of LAVAL set forth a system essentially comprising an FV, C, D, AP and SV. The only difference being that pending claim 1 also includes TP, a feature whereby the system is utilized for influencing traffic patterns, however; this is a feature that is inherent since the purpose of Laval is to provide a system for avoiding a waiting line, and therefore traffic patterns are inherently influenced when a patron no longer needs to wait in long lines.

Pending claims 79 and 170 set forth a system essentially comprising an FV, C and SV. Claims 1-4 of LAVAL set forth a system essentially comprising an FV, C, D, AP and SV and therefore all of the features are adequately described by way of the patented claims in LAVAL.

Pending claim 89 sets for the same limitations as set forth by pending claims 1 and 78, except pending claim 89 also sets forth a feature whereby a processor is utilized. This processor feature is taught by way of the obvious combination of LAVAL's claims 1-4 and 6 since a processor would obviously be used to calculate the times

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available for all the attractions at an amusement park since a human could not possibly do the calculations in a quick enough fashion to make the system if LAVAL effective.

Pending claim 202 sets forth a system essentially comprising an FQ, SQ, D, AP, TP, FV, C, P and SV. The combination of claims 10-11 and 14-15 of LAVAL essentially claim the same system except that the pending claims also claim TP, and as already explained with regards to the rejection of pending claims 1, 78, 99 and 169 above, this is a feature that is inherent to LAVAL nonetheless.

Allowable Subject Matter

4. Claims 1-148, 150-155, 157-192 and 194-216 are allowed.

As per claims 1-148, 150-155, 157-192 and 194-216, the prior art of record fails to teach the claimed system for managing admission to an attraction, the system comprising a first and second validator, a first and second queue, an admission media distributor for distributing a media pass with an assigned time, in combination with the other claimed features and or limitations as claimed by the claimed invention.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (703) 308-7001. The examiner normally works Mon. – Fri., 10:30 am – 8:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached at (703) 305-0282.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872 9306

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Ronald D. Hartman Jr.
Patent Examiner
Art Unit 2121
February 22, 2004

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER *2/23/04*
For Anil Khatri